
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

TATUYOU, LLC

Plaintiff,

v.

SANIDERM MEDICAL, LLC,

Defendant.

SCHEDULING ORDER

Case No. 2:19-cv-633

Honorable District Judge Clark Waddoups

Pursuant to Fed. R. Civ. P. 16(b), the court received the Attorney Planning Meeting Report filed by counsel. The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the court and on a showing of good cause pursuant to Fed. R. Civ. P. 6.

****ALL TIMES 4:30 PM UNLESS INDICATED****

1. PRELIMINARY MATTERS	DATE
Nature of claims and any affirmative defenses:	Design Patent Infringement; invalidity
a. Date the Rule 26(f)(1) conference was held?	03/02/20
b. Have the parties submitted the Attorney Planning Meeting Report?	03/03/20
c. Deadline for 26(a)(1) initial disclosures?	<u>02/21/2020</u>

2. DISCOVERY LIMITATIONS	NUMBER
a. Maximum number of depositions ¹ by Plaintiff(s):	<u>7</u>
b. Maximum number of depositions ² by Defendant(s):	<u>7</u>
c. Maximum number of hours for each deposition (unless extended by agreement of parties):	<u>7</u>
d. Maximum interrogatories by any party to any party: ³	<u>25</u>
e. Maximum requests for admissions by any party to any party:	<u>50 (non-authentication)</u> <u>unlimited (authentication)</u>
f. Maximum requests for production by any party to any party:	<u>50</u>
h. The parties shall handle a claim of privilege or protection as trial preparation material asserted after production as follows: <i>Include provisions of agreement to obtain the benefit of Fed. R. Evid. 502(d).</i>	
i. Last day to serve written discovery:	<u>08/10/20</u>
j. Close of fact discovery:	<u>09/24/20</u>
3. AMENDMENT OF PLEADINGS/ADDING PARTIES ¹	DATE
a. Last day to file Motion to Amend Pleadings:	<u>06/19/20</u>
b. Last day to file Motion to Add Parties:	<u>06/19/20</u>

¹ Excluding depositions of experts.

² Excluding depositions of experts.

³ An interrogatory or multiple interrogatories seeking the basis of a party's affirmative defenses, infringement contentions, or invalidity contentions counts as one interrogatory regardless of the number of affirmative defenses alleged or the number of infringed or invalid claims alleged.

¹ Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

4. RULE 26(a)(2) EXPERT DISCLOSURES & REPORTS **DATE**

Disclosures (subject and identity of experts)

- a. Party(ies) bearing burden of proof: 10/26/20
- b. Counter disclosures: 12/1/20

Reports

- a. Party(ies) bearing burden of proof: 10/26/20
- b. Counter reports: 12/1/20

5. OTHER DEADLINES **DATE**

- a. Last day for expert discovery: 01/05/21
- b. Deadline for filing dispositive or potentially dispositive motions: 02/02/21
- c. Deadline for filing partial or complete motions to exclude expert testimony: 02/02/21

6. SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION **DATE**

- a. Likely to request referral to a magistrate judge for settlement conference: No
- b. Likely to request referral to court-annexed arbitration: No
- c. Likely to request referral to court-annexed mediation: No
- d. The parties will complete private mediation/arbitration by: _____
- e. Evaluate case for settlement/ADR on: _____
- f. Settlement probability: fair

*Specify # of days for Bench or Jury trial as appropriate.
The Court will complete the shaded areas.*

7.	TRIAL AND PREPARATION FOR TRIAL	TIME	DATE
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- a. Rule 26(a)(3) pretrial disclosures⁴

Plaintiff(s):

02/10/21

Defendant(s):

02/10/21

- b. Objections to Rule 26(a)(3) disclosures
(if different than 14 days provided in Rule)

- c. Special Attorney Conference⁵ on or before:

03/10/21

- d. Settlement Conference⁶ on or before:

03/10/21

- e. Final Pretrial Conference:

04/12/21

- | | |
|----------|---------------|
| f. Trial | <u>Length</u> |
|----------|---------------|

- | | | |
|----------------|---------------|--|
| i. Bench Trial | <u>3 days</u> | |
|----------------|---------------|--|

04/26/21

- | | | |
|----------------|---------------|--|
| ii. Jury Trial | <u>5 days</u> | |
|----------------|---------------|--|

04/26/21

8. **OTHER MATTERS**

Parties should fully brief all Motions in Limine well in advance of the pretrial conference.

⁴ The Parties must disclose and exchange any demonstrative exhibits or animations with the 26(a)(3) disclosures.

⁵ The Special Attorneys Conference does not involve the court. During this conference, unless otherwise ordered by the court, counsel will agree, to the extent possible, on voir dire questions, jury instructions, and a pretrial order. They will discuss the presentation of the case, and they should schedule witnesses to avoid gaps and disruptions. The parties should mark exhibits in a way that does not result in duplication of documents. The pretrial order should include any special equipment or courtroom arrangement requirements.

⁶ The Settlement Conference does not involve the court unless the court enters a separate order. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.

Signed March 3, 2020.

BY THE COURT:

U.S. Magistrate Judge